

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM BROWN,

Defendant-Appellant.

UNPUBLISHED

May 12, 2005

No. 252375

Wayne Circuit Court

LC No. 03-008630-01

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial convictions of three counts of first-degree Criminal Sexual Conduct (CSC I), MCL 750.520b(1)(e) (actor armed with a weapon). Defendant was sentenced to three concurrent prison terms of thirty-seven years and six months to seventy-five years. This case is being decided without oral argument under MCR 7.214(E). We affirm.

The complainant testified that defendant, by use of physical force and threatening her with a meat cleaver, penetrated her mouth, vagina, and anus against her will. Defendant contends that the act of fellatio was consensual and that he did not vaginally or anally penetrate the complainant. An off duty police officer who was driving to work at the time of the incident testified that he heard a scream for help and observed the complainant and defendant engaged in intercourse inside defendant's car. The complainant told the officer that defendant was raping her and the officer arrested defendant. A subsequent search of defendant's vehicle uncovered a meat cleaver between the driver's seat and the door.

Defendant's sole argument on appeal is that there was insufficient evidence adduced to support his convictions. We disagree. In determining whether the prosecution introduced sufficient evidence to support the verdict, we view the evidence de novo in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). We resolve all evidentiary conflicts in favor of the prosecution, *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997), and do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence contained in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

To find defendant guilty of CSC I (actor armed with a weapon), the prosecution must prove beyond a reasonable doubt that defendant engaged in sexual penetration with another person while “armed with a weapon or any article which would lead the victim to reasonably believe it to be a weapon.” MCL 750.520b(1)(e). Sexual penetration is defined as “any intrusion, however slight, of any part of a person’s body . . . into the genital or anal openings of another person’s body” MCL 750.520a(o).

Defendant argues that, outside of complainant’s testimony, there was no physical evidence establishing defendant penetrated her against her will or that defendant threatened her with a weapon. However, testimonial evidence of a sexual assault complainant need not be corroborated by other evidence, *People v Lemmon*, 456 Mich 652, 632; 576 NW2d 123 (1998), and the jury was entitled to accept complainant’s testimony as credible. *Milstead, supra*. Deferring to the jury’s superior position to judge the credibility of the witnesses and viewing the evidence in the record in the light most favorable to the prosecution, we conclude that the prosecutor introduced sufficient evidence for a rational trier of fact to find defendant guilty of three counts of CSC I.

Affirmed.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter